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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,928	03/07/2002	Steven Michael Schein	ST/038 CONT 2	2468
7590	02/10/2005		EXAMINER	
ALEXANDER SHVARTS FISH & NEAVE 1251 AVENUE OF THE AMERICANS NEW YORK, NY 10020-1105			BUI, KIEU OANH T	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,928	SCHEIN ET AL.	
	Examiner KIEU-OANH T BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-11, 13-19, 23-26, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons et al. (U.S. Patent No. 5,880,768).

Regarding claim 1, Lemmons discloses “a method for displaying on a screen an interactive electronic program guide (IPG)” (Fig. 3 and col. 8/lines 42-53) comprising the steps of:

“displaying a plurality of television program listings in a first area of the screen as a grid of two-dimensional cells, the displayed grid having a plurality of channels displayed in a first dimension and time displayed in a second dimension” (Fig. 3 and col. 8/lines 42-57 shows a display area 100 including channel bar 108 and time bar 102 for displaying a plurality of channels in two-dimension cells);

“displaying an action control glyph in a second area of the screen” (Fig. 3/item 116 for an overlay menu provides an action control glyph in a second area, which is distinct from the first display area 100);

“selectively marking one of the cells corresponding to one of the displayed plurality of channels; activating the action control glyph responsive to a user command; and responsive to the activation of the action control glyph, rotating the grid of two-dimensional cells so that the one of the displayed plurality of channels is displayed in the second dimension and time is displayed in the first dimension”, (i.e., as the user inputs a command to select one of items on the second area, the corresponding programs with appropriate channel and time is scrolling and displaying on the first display area 100 (col. 9/lines 7-62)).

As for claim 2, Lemmons discloses “displaying a title of a program in each cell” (Fig. 3/items 114 with displaying titles).

As for claim 3, Lemmons discloses “wherein the displayed rotated grid includes an additional cell on the time dimension displaying an additional program for the displayed channel” (additional programs can be viewed as the user moves left or right to view further programs on different times, Figs. 2-3, and col. 8/line 58 to col. 9/line 6).

As for claim 4, Lemmons discloses further “comprising the steps of displaying a second action control glyph in the second area and activating the second action control glyph to rotate the grid of two-dimensional cells back to its original format so that the plurality of channels are displayed back in the first dimension and time is displayed back in the second dimension”, (i.e., if the user does not want to continue the quickmenu display, the process can be back to the default or current display mode of channel and time bars for electronic program guide (col. 9/lines 31-40)).

As for claim 8, Lemmons discloses further “comprising the step of displaying a video window within the IPG for a currently-tuned television program” (Fig. 3/item 118 for “What’s On” is for currently tuned TV programs).

As for claim 9, in view of claim 1, Lemmons further discloses “comprising the step of displaying a video window within the IPG for a future-scheduled television program” (Fig. 3 as the current time is shown at 1:27:55 and the user can search future programs from 7:00PM to 8:00PM, see col. 9/lines42-47 for the current clock).

As for claim 10, Lemmons further discloses comprising the step of “selecting a title of a program from the displayed grid and recording the selected program when it is telecast” (Fig. 2/item 88 for a VCR for recording the broadcast program by selecting the title of the program, and Fig. 10, and col. 20/lines 9-44 & col. 22/lines 18-27 for recording).

As for claim 11, Lemmons discloses the step of “selecting a title of a program from the displayed grid and tuning to the selected program when it is telecast” (Fig. 6 shows the currently broadcasting programs right after the user selects “What’s on” for currently broadcast programs and the viewer can select the title of the program for viewing, see col. 12/lines 16-35).

As for claims 13 and 14, Lemmons discloses “comprising the step of purchasing a pay-per-view channel” and “comprising the step of purchasing a merchandise” (col. 13/line 65 to col. 14/line 30 for ordering pay-per-view channel and Fig. 10, col. 19/lines 24-col. 20/line 28 for purchasing merchandises from other vendors as some preferred attributes are set for channels, times, featured performers for particular programs).

Regarding claim 15, Lemmons discloses “an interactive electronic program guide (IPG) displayed on a screen comprising: a plurality of television program listings displayed in a first area of the screen as a grid of two-dimensional cells, the displayed grid having a plurality of channels displayed in a first dimension and time displayed in a second dimension; an action control glyph displayed in a second area of the screen; an input device for selectively marking one of the cells corresponding to one of the displayed plurality of channels and activating the action control glyph responsive to a user command; and a display processor for rotating the grid of two dimensional cells so that the one of the displayed plurality of channels is displayed in the second dimension and time is displayed in the first dimension responsive to the activation of the action control glyph” (referred to claim 1 above).

As for claim 16, Lemmons shows “wherein the input device is one or more of a keyboard, a remote controller, a pointer device, and a voice activated device” (Fig. 2 for a remote device).

As for claims 17-19, 23-26 and 28-29, these claims with same limitations addressed above are rejected for the reasons given in the scope of claims 2-4, and 8-14 as disclosed in details above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 12, 20-22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. (U.S. Patent No. 5,880,768) in view of Lawler et al. (U.S. Patent No. 5,805,763).

Regarding claims 5 and 20, Lemmons does the step of “displaying a contextual help window and displaying contextual help data associated with an interactive area in the contextual help window as the cursor moves to the interactive area”; however, this technique is taught by Lawler as Lawler, within the interactive electronic program guide system, teaches as the user moves the cursor anywhere within and around the program guide cells, a window showing contextual information as a help guide for the user in making decision on which one is interest to view (Fig. 3, and col. 7/line 19-col. 8/line 53 for window 108).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemmons’ system with Lawler’s teaching technique of providing additional information on a contextual window as a help or guide information, also served as a motivation, for the user/viewer can choose an interested program to view.

As for claims 6 and 21, in further view of claim 5, Lawler teaches “wherein the contextual help window is displayed in a fixed location within the IPG” (see Fig. 3).

As for claims 7 and 22, in view of claim 5, Lemmons show at least “wherein the step of displaying contextual help data comprises of displaying text data for informing a user of actions that can be done” (Lemmons, Fig. 3 as within the window 116, the user can select items 118, 120 & 122 as the system informs the user to “Select”).

As for claims 12 and 27, Lemmons does not show “comprising the step of accessing a related Internet site from the IPG”; however, Lawler teaches the same technique as Lawler’s system allowing the user access to LAN, WAN networks referring to the standards and technologies of the Internet related for networking among users in demand for multimedia applications (see Lawler, Fig. 1, and col. 3/line 45 to col. 4/line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemmons’ system with Lawler’s suggesting technique of accessing LAN, WAN for networking in order to receive additional information related to the Internet site from the IPG as preferred.

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
February 3, 2005



KRISTA BUI
PATENT EXAMINER